
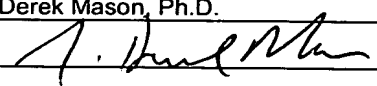


12/19/01

UTILITY PATENT APPLICATION TRANSMITTAL <small>(For new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No.	217567US23DIV
	First Inventor or Application Identifier	Hugh J. ABERCROMBIE
	Title	RECOVERY OF NATURAL NANOCLUSTERS AND THE NANOCLUSTERS ISOLATED THEREBY
Assignee Name:		BIRCH MOUNTAIN RESOURCES, LTD.
Assignee Address:		3100, 205 Fifth Avenue, S.W., Calgary, Alberta, CANADA T2P 2V5

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g. PTO/SB/17) (Submit an original and a duplicate for fee processing) 2. <input checked="" type="checkbox"/> Specification Total Sheets <input type="text" value="25"/> 3. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) Total Sheets <input type="text" value="7"/> 4. <input checked="" type="checkbox"/> Oath or Declaration Total Pages <input type="text" value="2"/> a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 C.F.R. §1.63(d)) (for continuation/divisional with box 17 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §1.63(d)(2) and 1.33(b). 5. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 6. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification or Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies	ACCOMPANYING APPLICATION PARTS 7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 8. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 9. <input type="checkbox"/> 37 C.F.R. §3.73(b) Statement <input type="checkbox"/> Power of Attorney (when there is an assignee) 10. <input type="checkbox"/> English Translation Document (if applicable) 11. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations (40) 12. <input checked="" type="checkbox"/> Preliminary Amendment w/Marked-Up Copy 13. <input checked="" type="checkbox"/> White Advance Serial No. Postcard 14. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 15. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 16. <input checked="" type="checkbox"/> Other: Request for Priority
17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below: <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application no.: 09/575,661 Prior application information: Examiner: G. WYSZOMIERSKI Group Art Unit: 1742 For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts.	
18. Amend the specification by inserting before the first line the sentence: <input checked="" type="checkbox"/> This application is a <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Division <input type="checkbox"/> Continuation-in-part (CIP) of application Serial No. 09/575,661 Filed on June 6, 2000, pending. <input type="checkbox"/> Which was published in English <input type="checkbox"/> Which was not published in English <input type="checkbox"/> This application claims priority of provisional application Serial No. Filed	
19. CORRESPONDENCE ADDRESS  22850 (703) 413-3000 FACSIMILE: (703) 413-2220	

Name:	J. Derek Mason, Ph.D.	Registration No.:	35,270
Signature:		Date:	12/19/01
Name:		Registration No.:	

Docket No. 217567US23DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) Hugh J. ABERCROMBIE

SERIAL NO: New Application

FILING DATE: Herewith

FOR: RECOVERY OF NATURAL NANOCLUSTERS AND THE NANOCLUSTERS ISOLATED THEREBY

FEE TRANSMITTAL

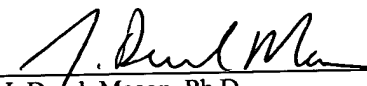
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	18 - 20 =	0	× \$18 =	\$0.00
INDEPENDENT CLAIMS	2 - 3 =	0	× \$84 =	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS (If applicable)			+ \$280 =	\$0.00
<input type="checkbox"/> LATE FILING OF DECLARATION			+ \$130 =	\$0.00
BASIC FEE				\$740.00
TOTAL OF ABOVE CALCULATIONS				\$740.00
<input type="checkbox"/> REDUCTION BY 50% FOR FILING BY SMALL ENTITY				\$0.00
<input type="checkbox"/> FILING IN NON-ENGLISH LANGUAGE			+ \$130 =	\$0.00
<input type="checkbox"/> RECORDATION OF ASSIGNMENT			+ \$40 =	\$0.00
TOTAL				\$740.00

- ☐ Please charge Deposit Account No. 15-0030 in the amount of _____ A duplicate copy of this sheet is enclosed.
- ☒ A check in the amount of \$740.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 15-0030.
A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


J. Derek Mason, Ph.D.

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Date: 12/19/01



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Docket No. 217567US23DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hugh J. ABERCROMBIE

SERIAL NO: NEW APPLICATION

FILED: HEREWITH

FOR: RECOVERY OF NATURAL NANOCLUSTERS AND THE NANOCLUSTERS ISOLATED THEREBY

JC879 U.S. PTO
10/021063
12/19/01

REQUEST FOR PRIORITY

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

- ☒ Full benefit of the filing date of U.S. Application Serial Number 09/575,661, filed June 6, 2000, is claimed pursuant to the provisions of 35 U.S.C. §120.
- ☐ Full benefit of the filing date of U.S. Provisional Application Serial Number , filed , is claimed pursuant to the provisions of 35 U.S.C. §119(e).
- ☐ Applicants claim any right to priority from any earlier filed applications to which they may be entitled pursuant to the provisions of 35 U.S.C. §119, as noted below.

In the matter of the above-identified application for patent, notice is hereby given that the applicants claim as priority:


<u>COUNTRY</u>	<u>APPLICATION NUMBER</u>	<u>MONTH/DAY/YEAR</u>
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Certified copies of the corresponding Convention Application(s)

- ☐ are submitted herewith
- ☐ will be submitted prior to payment of the Final Fee
- ☐ were filed in prior application Serial No. filed
- ☐ were submitted to the International Bureau in PCT Application Number
Receipt of the certified copies by the International Bureau in a timely manner under PCT Rule 17.1(a) has been acknowledged as evidenced by the attached PCT/IB/304.
- ☐ (A) Application Serial No.(s) were filed in prior application Serial No. filed ; and
- ☐ (B) Application Serial No.(s)
- ☐ are submitted herewith
- ☐ will be submitted prior to payment of the Final Fee

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


J. Derek Mason, Ph.D.

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